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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 000630

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TAGS: [PHUM](#) [PGOV](#) [BO](#)
SUBJECT: PARTNERSHIP ELECTION OBSERVERS FACE TRIAL

REF: A. MINSK 393

[1](#)B. 05 MINSK 601

Classified By: AMBASSADOR GEORGE KROL FOR REASONS 1.4 (B, D)

[1](#)1. (C) Summary: On June 13, Ambassador and DCM met with the wives of two of the jailed Partnership activists (independent election observers). The wives said their husbands' moods were still high, given their circumstances. Two of the four activists were recently moved to a new detention center with markedly worse conditions. Only in June, after nearly four month's detention, were families allowed to visit the detainees. The activists face charges of running an illegal organization, which could lead to up to three years in jail. The trial should start around July 10, and last three or four days. The judge in the case last year sentenced two pro-democracy leaders to three years labor. One of the wives also complained she is not satisfied with the lawyer her husband's employer, U.S. NGO NDI, provided, but she is not empowered to fire her. Post has also found this lawyer, while a high profile human rights lawyer and willing to take risky cases, to be very ineffective in court. Ambassador informed the wives that Embaffs would observe the trial and that he raises freeing their husbands with the GOB at every meeting. End summary.

Partnership's Prisoners of Conscience

[1](#)2. (C) On June 13, Ambassador and DCM met with Paulina Astreyka and Vera Shalaika, wives of two of the four Partnership activists currently in jail (ref A); family members for the others were not available to meet. The four Partnership leaders were arrested February 21 and await trial on charges of "running an illegal organization that encroaches on citizen's rights," (Article 193, Part 2 of the Criminal Code). This charge can lead to up to three years in prison. At the time of their arrest Partnership was planning independent election observation for the March presidential elections. In televised press conferences, the head of the BKGB has variously accused Partnership of planning terrorist attacks, of planning to spread false election results, and of operating in secrecy and using advanced codes and ciphers to protect computer information. Amnesty International considers these four to be Prisoners of Conscience.

Prison Conditions Worsen but BKGB Surveillance Lessens

[1](#)3. (C) The four had been held in separate cells at a BKGB

detention center since their arrest. On June 8, Aleksandr Shalaika and Enira Bronitskaya were transferred to a pre-trial detention center on Volodarskogo Street. Paulina said the GOB claimed they transferred these two because of repairs at the BKGB center. Vera, however, stated she was told her husband would not be moved. Paulina credibly claimed that conditions were worse at Volodarskogo; each over-crowded cell holds eight people, everybody seems to smoke, and general living conditions are worse. On the plus side, prisoners at Volodarskogo can watch television all day and the cells do not contain video cameras, as do the Partnership cells at the BKGB center. She said that at Volodarskogo, the prison authorities only check on her husband two or three times a day. Paulina mentioned that Enira was placed in a women's wing at Volodarskogo, but Enira's mother complained to the press that she has not been allowed to give her daughter medicine for her gastric ulcer since she was transferred, since Volodarskogo has stricter rules for what can given to prisoners. Vera added that Enira was recently expelled from her graduate studies program.

Visits Finally Granted

14. (C) In a surprise move, in early June the judge granted the families visitation rights for the first time. Paulina spent one hour with her husband on June 13, her first visit since his arrest and the maximum time allowed at Volodarskogo. Vera was able to see her husband for three hours. Both Paulina and Vera said their husband's moods were fine, considering their circumstances. They entertain themselves by reading their case files and the Belarusian legal code, although Paulina complained her husband has

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started smoking in jail. Both are getting adequate food. Timofei Dranchuk's parents were not able to meet Ambassador because they were visiting their son. Enira's parents visited her June 12 and will see her again June 14. The wives will apply for permission to visit again, and believe they will be allowed to see their husbands every Monday.

Trial Expected in July

15. (C) Paulina and Vera said they expect the trial for all four to begin around July 10. The defendants have been given copies of the cases against them. Based on the number of state witnesses, Paulina thought the trial would last three to four days. This case has been assigned to judge Leonid Yasinovich, who sentenced pro-democracy leaders Nikolay Statkevich and Pavel Severinets to three year's labor in 2005 (ref B). Neither knew yet if the judge would allow an open court, but were pleased when Ambassador said Emboffs would try to observe. Paulina said one of their defense lawyers predicted that each of the defendants would receive a different jail term, but that it is impossible to predict what these will be as this will clearly be a political, rather than judicial, decision. Paulina explained that her husband is writing legal appeals for the BKGB to return his computer and discs, confiscated at the time of his arrest, since they would not be presented as evidence in the trial. He already successfully appealed for the return of his watch, wedding ring, and other personal items the BKGB seized.

Useless Defense Lawyer

16. (C) Paulina complained that her husband's employer, the U.S. NGO National Democratic Institute, hired as a lawyer Vera Stremkovskaya. According to Paulina, Stremkovskaya is

over-priced, does little work on this case, is rude to the families and is only interested in burnishing her image as a human rights lawyer. Paulina tried to fire Stremkovskaya, but Stremkovskaya refused to step down, so the family hired a second lawyer. (Note: Post agrees with Paulina's impressions of Stremkovskaya. Moreover, Emboffs who have observed Stremkovskaya in court believe that she does more harm than good, irritating the judges by not paying attention, or launching into long, meaningless tangents, as well as having poor relations with the families of her clients. Marinich fired her from his defense for the same reasons.)

Support From Abroad, Little at Home

¶17. (C) Paulina (who is pregnant with Nikolay's second child) told Ambassador that their year-old son's health is fortunately not getting worse (he was born with a congenital heart defect). Friends, family and her husband's colleagues are providing her with much support. She has received many letters of support from the U.S., delivered by NDI, but complained few in Belarus are interested in her situation. The families of the Partnership activists thanked the USG for its statements, which show the GOB and the families the activists are not forgotten, and said they are preparing letters for help to send to each of the presidents going to the G8 Summit in St. Petersburg. Vera commented that the court might have granted the families visiting rights due to high level western attention to their case. The wives however continued not to link their husbands publicly to NDI.

Comment

¶18. (C) This is clearly a political case designed to destroy an effective independent election monitoring organization as well as to scare other would-be democracy activists. Ambassador informed the wives that he raises freeing the Partnership prisoners at every meeting with the GOB. Post will continue to closely follow this situation, press the GOB publicly and privately to release the prisoners, and will work with EU missions to raise their engagement on these cases as well.
Krol